

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 205 - HB 268

March 22, 2019

**SUMMARY OF ORIGINAL BILL:** Authorizes a local education agency (LEA) to install, operate, and maintain cameras on school buses for the purpose of recording vehicles in violation of Tenn. Code Ann § 55-8-151 that fail to stop upon approaching a school bus. Requires an LEA that allows cameras on the exterior of school buses, to create procedures for school bus drivers to submit information following a violation, including the date, location, and time of the violation to the LEA.

Specifies rules and procedures for evidence and penalties related to the violation. Requires a first offense to be punished by a fine not to exceed \$50. Requires fines imposed on motor vehicle operators based solely upon evidence obtained from a school bus driver and camera to be allocated as follows: 70 percent to the LEA for the purposes of defraying costs related to the camera purchase, installation, operation, and maintenance; and 30 percent to the LEA without a designated use.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Revenue –

Up to \$17,190,300/FY19-20/Permissive

Exceeds \$1,000,000/FY20-21 and Subsequent Years/Permissive

Increase Local Expenditures –

Up to \$13,050,000/FY19-20/Permissive

Exceeds \$1,000,000/FY20-21 and Subsequent Years/Permissive

**SUMMARY OF AMENDMENT (006301):** Deletes all language after the enacting clause such that the only substantive changes are to: (1) require each LEA that installs cameras on the exterior of school buses to enter into a memorandum of understanding with local law enforcement for the preservation of evidence from a camera; (2) remove requirements for bus driver involvement as it pertains to procedures related to alleged violations; (3) increase, from 30 percent to 100 percent, the amount of proceeds from fines collected from illegal school bus passes that an LEA may use for any purpose; (4) require the LEA to create procedures and maintain records if the proceeds are used for the purpose of reimbursing or compensating a contracted vendor for costs related to the purchase, installation, operation, or maintenance of school bus cameras; (5) establishes that the state must meet the burden of proof set out in Tenn. Code Ann. § 39-11-201 and that a person charged has no burden to prove innocence as a

precondition for punishment for a Class A misdemeanor pursuant to Tenn. Code Ann. § 55-8-151; and (6) establishes that any photograph or video recorded by a school bus camera is admissible as evidence in any proceeding alleging a violation of Tenn. Code Ann. § 55-8-151, if the photograph or video meets the standards of admissibility set forth in the Tennessee Rules of Evidence.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- LEAs have a range of options that will impact the cost of installing, operating, and maintaining school bus camera systems. This includes the types of cameras (e.g., analog, HD, multi-camera system, etc.) purchased and whether the LEA purchases the cameras or enters into a lease agreement with a camera system provider.
- An LEA will be able to enter into a memorandum of understanding with local law enforcement for the preservation of camera evidence without a significant increase to expenditures.
- Based on out-of-state districts that have installed camera systems on their school bus fleets, it is estimated that the average cost for LEAs in Tennessee to install cameras will be \$1,500 per school bus.
- There are approximately 8,700 public school buses in operation in Tennessee.
- The proposed legislation will result in a permissive increase in local expenditures.
- The total one-time permissive increase to local expenditures to install cameras on all public school buses is estimated to be an amount up to \$13,050,000 in FY19-20 (8,700 school buses x \$1,500 camera costs).
- The National Association of State Directors of Pupil Transportation Services reported there were 1,113 illegal passes observed by 2,749 bus drivers on a single day in Tennessee in the 2017-18 school year. This equals 0.4 illegal passes observed per driver (1,113 / 2,749).
- There are 7,127 regular school bus drivers in the state, which results in 2,851 illegal passes daily in Tennessee (7,127 x 0.4). Based on 180 school days, there are 513,144 illegal passes per school year in Tennessee (2,851 x 180).
- The maximum fine for a first offense is \$50 and it is assumed that many drivers will not pay the fine associated with the violation, such that the collection rate is estimated to be approximately 67 percent.
- The total one-time permissive increase in local revenue is estimated to be an amount up to \$17,190,324 [(\$50 x 513,144) x .67] in the first year of implementation FY19-20.
- Installation of cameras is assumed to have a significant deterrent effect in subsequent years.
- Annual maintenance and replacement costs for school bus camera systems are estimated to result in a recurring permissive increase in local expenditures exceeding \$1,000,000

statewide in FY20-21 and subsequent years; it is assumed that local revenue generated from fines will also exceed \$1,000,000 and will be used to offset maintenance and replacement costs.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/alh